## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EDWARD MCDONALD JR., : CIVIL NO. 1:13-CV-1471

Plaintiff : (Judge Rambo)

v. : (Magistrate Judge Mehalchick)

J.E. THOMAS, et al.,

**Defendants**:

## ORDER

Before the court is a July 28, 2015, report and recommendation of the magistrate judge (Doc. 63) to whom this matter was referred in which she recommends that Defendants' motion to dismiss and for summary judgment (Doc. 22) be granted. Objections to the report and recommendation were due no later than August 14, 2015 and, to date, no objections have been filed.

Therefore, upon consideration of the record before the court and the applicable law, **IT IS HEREBY ORDERED THAT**:

## ORDER

- 1) The court adopts the report and recommendation of Magistrate Judge Mehalchick (Doc. 63).
- 2) Defendants' motion to dismiss (Doc. 22) is **GRANTED** and this case is dismissed as moot.
  - 3) The Clerk of Court shall close the file.
- 4) It is certified that any appeal from this order will be deemed frivolous and not taken in good faith.

s/Sylvia H. Rambo
United States District Judge

Dated: August 25, 2015.